

WEST CHICAGO INTERGOVERNMENTAL FORUM

February 5, 2010

Meeting Minutes

ATTENDEES

Barbara Magel, Counsel for Local Communities
Tom Williams, IEPA
Chuck Grigalauski, IEPA
Kelly Grahn, IEMA/DNS
John Coakley, City of Warrenville
Don Feld, Thorium Action Group
John Oldenburg, DuPage County Forest Preserve District
Jessi DeMartini, DuPage County Forest Preserve District
Tony Charlton, DuPage County
Gerald Karr, Illinois Attorney General's Office
Mary Fleming, DuPage County State's Attorney's Office
Mark Krippel, Tronox
Tim Fischer, U.S. EPA, Superfund
David Seely, U.S. EPA, Superfund
Mary Fulghum, U.S. EPA, Office of Regional Counsel

GENERAL TOPICS

The meeting began with an update on the Tronox bankruptcy provided by Mary Fulghum. Mary reminded everyone that Tronox was attempting to reorganize and emerge from bankruptcy as a stand alone company. This could occur as soon as June 2010. Mary said that the United States continues to work with the state of Illinois and Tronox and other entities on an environmental settlement agreement to address the sites in West Chicago. Kress Creek, the Residential Areas site, and the REF could be covered by a custodial Trust to conduct the cleanup in West Chicago. Mary said that the goal is to develop a Trust structure that would address the REF as one of the Tronox "owned" sites, similar to other owned sites around the country. The Kress Creek and RAS sites would be addressed as "non-owned" sites under the Trust. Mary said hopefully the timing would work out to allow for Tronox to move forward on cleanup in Reach 7 this year as they would normally.

Barb Magel asked if the Residential Areas cleanup would move forward either way, since EPA has the special account money set aside for this work. David said that it could, but that EPA is attempting to work it into the same agreement that Mary mentioned. Barb asked if the agreement had to be final by the end of February, or if there was a chance that the deadline could be extended. Mary said that if sufficient progress is being made on the agreement, the bankruptcy court would probably allow some extra time to negotiate. Barb asked when the local communities would be included in the discussion

of the agreement. Mary said that she would keep the communities informed so that their concerns can be considered in the agreement. Barb said that was fine, but the sooner they see drafts the better. Tim said that the agreement should reflect that the cleanup will be conducted in accordance with the Consent Decree as it was before. Mary said she agreed, and Barb said that the local communities just need to be assured that this is the case.

Barb added that the Residential sites really need to be completed this year if possible. David said that he would try his best to make that happen, but could not make any promises. Kelly Grahn asked for clarification on the funding for the Residential Areas, because EPA had suggested several different possibilities, including the special account, Superfund money, and now the potential agreement. David said that the preference at this point would be to have the RAS site addressed as part of the environmental settlement agreement, if possible. David said that the other potential funding sources were considered before the potential of an agreement was identified, and there was no known entity to conduct the work.

Mary said that EPA is still considering all possibilities for funding these cleanups. The Trust has just become the preferential path forward at this point. Barb asked if the sites were still being considered by the Risk-Based Prioritization Panel, and Tim said that absolutely they were. Tim said that his management is very interested in where these negotiations will lead, so they know whether or not these sites need Superfund money. He added that they have not been removed from the ranking list yet, however.

John Oldenburg asked where the money was going to come from to cleanup the “non-owned” Tronox sites. Mary said that there was a possibility that we would be able to tap into the DOE reimbursement to Tronox, but that this was still being negotiated. Mary said that Tronox has been meeting with Arcadis and Energy Solutions to make preparations for conducting work this spring just to make sure they are ready if needed. Mark Krippel added that they will be ready to do work this spring if it can be determined who will pay for what and when.

John Oldenburg asked when the Prioritization Panel is meeting again. Tim said that they are scheduled to meet the first week of March and announce funding decisions toward the end of March. Barb Magel asked if Tim would be making another presentation to the panel. Tim said that the initial presentation is the only one that is needed. Only sites new to the panel will be presented at the next meeting.

Jessi DeMartini asked if EPA would add Superfund money to conduct work to what was established in a Trust as part of the agreement. Tim said that unless we ran out of money in the Trust, he would not anticipate getting additional Fund money to conduct work. Tim and Mary said that EPA is working hard to funnel adequate money into the Trust to conduct all of the Kress Creek/West Branch DuPage River work.

KRESS CREEK/WEST BRANCH DUPAGE RIVER SITE

Documents

EPA received the draft FD/RA Work Plan for the Rt 59 contaminated area in November 2009. This work will remove thorium contamination from under the Rt 59 bridge over Kress Creek. EPA is reviewing the Work Plan.

EPA has previously approved the Reach 7 FD/RA Work Plan.

Cleanup Progress

Tim said that he and David had been exploring options for conducting Fund-lead work in West Chicago in the event that the environmental settlement agreement falls through. Tim explained that EPA Region 5 has a standing Remedial Action contract that we would have to utilize to conduct the work. The contractors that EPA could use are CH2M Hill and Sultrac (a joint venture of Sullivan International and Tetra Tech). Tim said that the work would have to be conducted by one of these two contractors. Tim said that the contractor can hire subcontractors, but EPA does not have any input into that. Tim said that the contractor would have to develop Work Plans, and Tim said that he expects that they would mirror what we have already developed for Reach 7. Tim said that from the time he starts putting together a Scope of Work and cost estimate, he thinks that the time required to get the contractor doing work would be on the order of three months. Tim said that he will begin putting rough drafts of these documents together to be ready in case the environmental settlement agreement does not come together.

Tim said that he thought we could have a contractor start in June, which is probably okay because Tim thinks it is unlikely that the Risk-Based Prioritization Panel will come up with the amount of funding necessary to conduct all of the Reach 7 cleanup in 2010. John Oldenburg asked if EPA would consider the alternative "main channel" cleanup discussed last summer so that the FPD can move forward with their NOAA grant to remove the Warrenville Dam. Tim said that he definitely would pursue that if EPA did not have enough money to clean all of Reach 7. In fact, Tim discussed this scenario as part of his presentation to the Prioritization Panel in November. Tim said he is concerned that we could face the prospect of small chunks of work for years to come if we are forced to rely on Superfund money for cleanup.

REED-KEPPLER PARK SITE

Tim said that the Notice of Intent to Delete Reed-Keppler Park from the NPL was published in the Federal Register on December 8, 2009. EPA did not receive any adverse comments by January 7, so the deletion will become effective on Monday - February 8, 2010.

RESIDENTIAL AREAS SITE

David stated that most of what he had intended to discuss was already talked about during the bankruptcy discussions. David reiterated that EPA believes it would be most expeditious to address the cleanup of the RAS site through the environmental settlement agreement previously discussed. This approach is preferred, however EPA is still retaining the option for EPA to fund the efforts. If EPA were to conduct the work, David stated that he also has the option to utilize EPA's removal contracts. This would allow a more streamlined procurement of a contractor and could be in place in less time than a remedial contract.

David mentioned that one of the key factors if EPA pursued doing the work is the cost for transportation and disposal. EPA doesn't have any current contracts in place which establish these costs and these costs would have to be negotiated. In an attempt to identify rough costs, EPA met with Energy Solutions this past week to discuss the projects. Energy Solutions intends to provide feedback to EPA in terms of potential disposal costs.

David said he also was working to move forward with project efforts. David audited the files associated with the properties which EPA had tested in 2008 and 2009. David reported that for the 33 properties which had been tested, EPA installed 1,897 boreholes of which 25 (or 1.32%) have downhole gamma scan results above a screening number correlated to 7.2 pCi/g. In these boreholes a total of 49 samples were collected, 9 (or 18%) of which were greater than 7.2 pCi/g. David noted that some of these samples were in the 0-6" interval and may be considered surface soil samples. These samples came from 6 different properties (NOTE: A correction was made to the total of 7 properties stated during the meeting). Surface soil samples were collected based upon the results of a gamma walkover survey in areas where elevated readings were found in areas other than those where the borings were installed. Surface soil samples were collected at 22 properties for a total of a 141 surface soil samples. Fourteen of these samples from 9 different properties were greater than 7.2 pCi/g (~ 10%). Many of the downhole or surface soil samples with elevated concentrations were from the same properties. A total of 10 properties were identified with concentrations above 7.2 pCi/g.

Mary Fulghum requested David to report how many of these properties are owned by Tronox. David stated that he doesn't have that information with him but at least one of the properties located at the intersection of Weyrauch and Lester is owned by Tronox. Also, David stated that he is now working with the EPA FIELDS group to finalize the property data packages and to forward information to Tronox to provide information to allow them to become familiar with the scope required at the contaminated properties.

Barb Magel asked David to confirm that 10 properties currently require work. David confirmed that there were currently 10 properties identified with sample concentrations greater than 7.2 pCi/g. Barb asked if there are other properties that EPA will want to test. David said that he continues to review the properties included in the 1980s cleanup. David said he doesn't have the information with him but estimated about 52 properties

had been reviewed, of those 33 required sampling and 67 properties have yet to undergo the final review. David said that at least one additional property has been identified where further sampling will be required. David reiterated that EPA attempted to target the properties with the highest likelihood of residual contamination remaining in the initial reviews. David hopes that as the reviews continue; there will be fewer properties identified which require further sampling and even less where sample results identify elevated concentrations.

Barb asked if there were still access issues with some properties. David stated that there are still 3 properties which had refused access to conduct testing in the 1990s. Two of these properties were owned by the same individual. EPA has been working internally to move the process along and will continue to seek access. If EPA continues to receive further denials, then EPA will pursue access in a formal manner.

David asked for confirmation on his understanding that Tronox had already applied for the renewal of the license which expires at the end of February and is currently under review by IEMA. Kelly Grahn stated that the process is on course but has been made more complicated by the change in identifying a Radiation Safety Officer. David stated his concern is that there are complications associated with the status of the license and the ability to transfer the license from Tronox to the Trust. Kelly stated that IEMA is waiting to see what will happen and that there are technical qualification and timing issues associated with any future licensee. Kelly stated that IEMA's message is that they expect that the REF will be available to receive materials from the Superfund sites for transportation and disposal when work is ready to proceed. Kelly said IEMA is working together with all parties to make this work.

OTHER ISSUES

Update on NOAA Grant Projects

John Oldenburg said that there was no update other than the ongoing concern of having the Reach 7 cleanup completed in 2010 so that the Forest Preserve District can use its NOAA grant to remove the Warrenville Dam.

Mark Krippel's Resignation

Mark Krippel announced that he is retiring from Tronox at the end of the month. Mark stated that an opportunity arose that allowed him to retire now or he could wait until June and risk his retirement being affected by the bankruptcy issues. Mark assured everyone that there are two very capable people remaining to watch over the work at the REF. Glen Anderson was the REF Construction Manager for many of the REF efforts over the years. Regarding the radiation safety/health physics efforts, Rob Maddox has been involved for years and began his efforts with the 1980s cleanup. Mark is confident that the REF remains in very good hands. For the Residential Areas, there is no current contract with anyone so there will be a new entity involved in any event. As far as the

Kress Creek work, Arcadis will remain involved and they are capable to continue on with the work required at the site.

Mark said it has been 29 years of work for what was originally thought to be 5 years of efforts. Everyone expressed their appreciation for Mark's efforts over the years and his willingness to work through issues as they arose. David expressed his appreciation for his work with EPA over the years and Kelly Grahn expressed his appreciation for Mark's efforts through his 14 years of involvement. Don Feld mentioned that he will be sorely missed on behalf of TAG and that Mark was always there to answer questions.

NEXT FORUM MEETING

The next meeting of the West Chicago Intergovernmental Forum is scheduled for **Friday, March 19, 2009, at 10 a.m.** in West Chicago City Council Chambers, West Chicago.

ATTENDANCE LIST
WEST CHICAGO INTERGOVERNMENTAL FORUM
February 5 2010

Name	Organization	Phone
David Seely	US EPA - RPM	(312) 886-7058
Mary FISHUM	US EPA - (counsel)	(312) 886-74683
TIM FISCHER	US EPA - RPM	(312) 886-5787
Kelly Grahm	IEMA DNS	630 947-2721
John Coakley	City of Warrenville	630/393-9427
Barbara Mayel	KWTM - Local Communities	312-936-1177 ext. 148
Mary Fleming	DuPage Co SAO	630-407-8200
John O'Oldenburger	FPD DuPage County	630-738-7312
Tom Williams	IEPA	815-223-1714
Gerald Karr	Ill. Atty Gen. Office	312-814-3369
Chuck Brigantowski	IEPA	(847) 294-4059
Mark Krippe /	Tronox	630-293-6331
Jessi DeMartini	FPDDC	630 988 7724
Pony CHARLTON	DuPage Co	630 407 6698
Don Feld	Thorium Action Group (TH)	1-630-231-2870

So long
Mark! (S)